

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD AGEE, JR., an individual, *et al.*,

Plaintiffs,

v.

JOCELYN BENSON, in her official capacity
as the Secretary of State of Michigan, *et al.*;

Defendants.

Case No. 1:22-cv-00272

**Three-Judge Panel Appointed Pursuant to
28 U.S.C. § 2284(a)**

**ERRATA SHEET TO PLAINTIFFS' FIRST AMENDED COMPLAINT FOR
DECLARATORY RELIEF**

Plaintiffs hereby file this Errata Sheet to correct its First Amended Complaint for
Declaratory Relief as follows:

<u>Page</u>	<u>Original Text</u>	<u>Corrected</u>
First Amended Complaint, ECF No. 8, PageID.83; Spelling Error of Plaintiff's Last Name on Case CaptionDENNIS LEORY BLACK, JR., an individual;DENNIS LEROY BLACK, JR., an individual;
First Amended Complaint, ECF No. 8, PageID.87; Spelling Error of Subheading	<u>THREE-JUDGE PAENEL APPOINTED</u>	<u>THREE-JUDGE PANEL APPOINTED</u>

First Amended Complaint, ECF No. 8, PageID.125; ¶ 101.	“Expert Report	“Expert Report”
First Amended Complaint, ECF No. 8, PageID.126; ¶ 104(a).	a. The 2010 House District Maps contain one (1) District with a BVAP between 36% and 53%. Ten (10) of the 2010 House Districts contain a BVAP over 53%, with the highest being 94.3%	b. The 2010 House District Maps contain one (1) District with a BVAP between 36% and 53%. Ten (10) of the 2010 House Districts contain a BVAP over 53%, with the highest being 94.3%.
First Amended Complaint, ECF No. 8, PageID.126; ¶ 104(b)(i).	i. The Linden Plan features six (6) Districts with BVAP level between 35.5% and 47% (and no districts with a BVAP in excess of 47%).	i. The Linden Plan features six (6) Districts with BVAP levels between 35.5% and 47% (and no districts with a BVAP in excess of 47%).
First Amended Complaint, ECF No. 8, PageID.127; ¶ 111.	District 5 contained the highest BVAP (54.3%) and featured three (3) Black candidates. Yet the Black voter candidate of choice did not prevail in 2014 Democratic Primary Election.	District 5 contained the highest BVAP (54.3%) and featured three (3) Black candidates. Yet the Black voter candidate of choice did not prevail in the 2014 Democratic Primary Election.
First Amended Complaint, ECF No. 8, PageID.130-131; ¶ 122	<p>A. Districts shall be of equal population as mandated by the United States Constitution, and shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.</p> <p>B. Districts shall reflect the state’s diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic</p>	<p>A. Districts shall be of equal population as mandated by the United States constitution, and shall comply with the voting rights act and other federal laws.</p> <p>B. Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.</p>

	<p>interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.</p> <p>C. Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.</p> <p>D. Districts shall not favor or disfavor an incumbent elected official or a candidate.</p> <p>E. Districts shall reflect consideration of county, city, and township boundaries.</p> <p>F. Districts shall be reasonably compact.</p>	<p>C. Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.</p> <p>D. Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.</p> <p>E. Districts shall not favor or disfavor an incumbent elected official or a candidate.</p> <p>F. Districts shall reflect consideration of county, city, and township boundaries.</p> <p>G. Districts shall be reasonably compact.</p>
First Amended Complaint, ECF No. 8, PageID.138; ¶ 159.	Most importantly, there is cohesive voting among Black voters in favor the Black or non-white candidate in the Democratic Primary Elections for House Districts 1, 2, 7, 8, 10, 11, 12, 13, 14, and 26.	Most importantly, there is cohesive voting among Black voters in favor of the Black or non-white candidate in the Democratic Primary Elections for House Districts 1, 2, 7, 8, 10, 11, 12, 13, 14, and 26.

First Amended Complaint, ECF No. 8, PageID.138; ¶ 163.	The totality of the circumstances likewise establishes that the House Districts violate Section 2 of the VRA. Black voters have historically borne the effects of discrimination in education, health, education, and employment opportunities, and continue to bear the effect of this discrimination, hindering their ability to effectively participate in the political process. The following demonstrate the historical and continuation of racial discrimination and inequality in Michigan:	The totality of the circumstances likewise establishes that the House Districts violate Section 2 of the VRA. Black voters have historically borne the effects of discrimination in education, health, and employment opportunities, and continue to bear the effect of this discrimination, hindering their ability to effectively participate in the political process. The following demonstrate the historical and continuation of racial discrimination and inequality in Michigan:
First Amended Complaint, ECF No. 8, PageID.143; ¶ 184.	The Equal Protection Clause prohibits government from treating citizens along racial lines, including when it comes creating voting districts. <i>Miller v. Johnson</i> , 515 U.S. 900, 911, 115 S. Ct. 2475, 2485, 132 L. Ed. 2d 762 (1995).	The Equal Protection Clause prohibits government from treating citizens along racial lines, including when it comes creating voting districts. <i>Miller v. Johnson</i> , 515 U.S. 900, 911, 115 S. Ct. 2475, 2485, 132 L. Ed. 2d 762 (1995).
First Amended Complaint, ECF No. 8, PageID.147; ¶ 201.	The Equal Protection Clause prohibits government from treating citizens along racial lines, including when it comes creating voting districts. <i>Miller v. Johnson</i> , 515 U.S. 900, 911, 115 S. Ct. 2475, 2485, 132 L. Ed. 2d 762 (1995).	The Equal Protection Clause prohibits government from treating citizens along racial lines, including when it comes creating voting districts. <i>Miller v. Johnson</i> , 515 U.S. 900, 911, 115 S. Ct. 2475, 2485, 132 L. Ed. 2d 762 (1995).
First Amended Complaint, ECF No. 8, PageID.149; ¶ 201(c)(ix)	i. The Senate Districts move large concentrations of Black voters to districts with a significant higher WVAP, thus diluting their vote.	i. The Senate Districts move large concentrations of Black voters to districts with a significantly higher WVAP, thus diluting their vote.
First Amended Complaint, ECF No. 8, PageID.151.	A. Declare that the and House and Senate District maps violate Section 2 of the Voting Rights Act (Counts I – II) and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution (Counts III – VI);	A. Declare that the House and Senate District maps violate Section 2 of the Voting Rights Act (Counts I – II) and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution (Counts III – VI);

Respectfully submitted,

/s/ John J. Bursch

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